

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Mail Stop	Application Number	10/625,235
	Filing Date	July 22, 2003
	First Named Inventor	Peter Malcolm Moran
	Art Unit	2132
	Examiner Name	Farid Homayounmehr
Amendment	Attorney Docket Number	79030-001

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> No fee due <input type="checkbox"/> Fee(s) due: \$ _____ Fee Transmittal <input type="checkbox"/> Check enclosed <input type="checkbox"/> Charge Deposit Account No. 18-0580 <input type="checkbox"/> 37 CFR § 1.16 <input type="checkbox"/> 37 CFR § 1.17 <input checked="" type="checkbox"/> The Commission is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) - _____ Affidavits/declaration(s) <input type="checkbox"/> ___-Month Extension of Time	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Information Disclosure Statement & PTO-Form 1449 <input type="checkbox"/> Copies of cited reference(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Declaration(s) by Inventor(s) <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Updated Application Data Sheet <input type="checkbox"/> Drawing(s) - ___ Sheets <input type="checkbox"/> Compact Disk(s) - ___ CD(s) <input type="checkbox"/> Petition <input type="checkbox"/> Power of Attorney & Address Indication Form	<input type="checkbox"/> Revocation of & New Power of Attorney, Address Indication Form <input type="checkbox"/> Request for Refund <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Other Enclosure(s):
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**REMARKS**

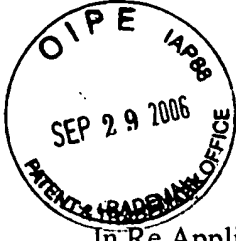
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name (print/type)	Carol A. Schneider, Ph.D., J.D., Reg. No. 34,923 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	Telephone	(650) 251-7700
Signature		Date	September 27, 2006

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Name (print/type)	Yesenia Garcia	Date	September 27, 2006
Signature			



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Peter Malcolm Moran et al.

Confirmation No.: 8617

Serial No.: 10/625,235

Group Art Unit: 2132

Filing Date: July 22, 2003

Examiner: Farid Homayounmehr

Title: METHOD OF IDENTIFYING AN OBJECT AND A TAG CARRYING  
IDENTIFICATION INFORMATION

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Requirement for Restriction mailed August 22, 2006, in which the Examiner required restriction between two groups of claims:

- (I) claims 1-18, 23, 25-26, 29 and 31, drawn to use of magnetic particles for encoding information in an identification card; and
- (II) claims 19-22, 24, 27-28, 30 and 32, drawn to transmission of an electric signal from an active source to authenticate data or data to determine if an object or document is valid, or the identity of an individual method in wireless radio communication.

In response to this restriction, applicants provisionally elect Group I, claims 1-18, 23, 25-26, 29 and 31 with traverse. The examiner has made this restriction based on group I being a combination and group II being a subcombination of group I. Applicants disagree with this analysis. There is a single, common, unifying structural feature associated with the two groups of claims, namely, the use of a disordered porous material. More specifically, Group I specifies the step of determining a characteristic of a magnetic signal and Group II specifies the step of determining a characteristic of an electric/electromagnetic signal. Both types of signals are

derived from a common structural, and thus unifying, feature of a "host material having pores ... wherein at least some of the pores contain a [relevant] material." Therefore, both groups of claims share a common concept of using randomly arranged pores that contain a material with a readable characteristic to produce unique identification information.

Applicants therefore request removal of the restriction requirement. In the event that prosecution occurs on one of the Groups of claims identified by the examiner, applicants expressly reserve their right under 35 USC § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

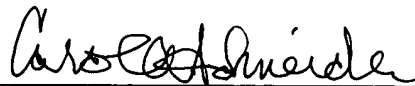
If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, he is welcome to contact the undersigned attorney at (650) 251-7702 or [caschneider@mintz.com](mailto:caschneider@mintz.com).

Applicants believe that no fee is required for this filing, as the examiner has given a shortened statutory period for reply of 3 months. This reply is being filed within 3 months of the mailing date (8/22/2006) of the restriction requirement. If a fee is required, please charge the fee to Deposit Account 18-0580.

Respectfully submitted,

Date: September 27, 2006

By:



Carol A. Schneider, Ph.D., J.D.

Reg. No. 34,923

1400 Page Mill Road

Palo Alto, CA 94304

Phone 650 251 7700

Fax 650 251 7739